

FILED

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

APR 18 2008

NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT

Thurman Jerome Brown,

Plaintiff,

v.

Chief Justice William H. Rehnquist *et al.*,

Defendants.

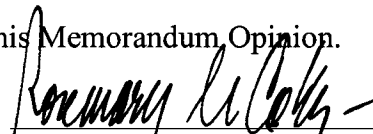
Civil Action No. 08 0674

MEMORANDUM OPINION

This matter is before the Court on plaintiff's *pro se* complaint and application to proceed *in forma pauperis*. The Court will grant the application and dismiss the complaint for lack of subject-matter jurisdiction.¹

Plaintiff is a New York prisoner suing current and former Justices of the United States Supreme Court, including the deceased Chief Justice Rehnquist. This Court lacks subject matter jurisdiction over matters arising from the decisions of the Supreme Court. *In re Marin*, 956 F.2d 339 (D.C. Cir. 1992). "It seems axiomatic that a lower court may not order the judges or officers of a higher court to take an action." *Panko v. Rodak*, 606 F.2d 168, 171 n.6 (7th Cir. 1979), *cert. denied*, 444 U.S. 1081 (1980). Accordingly, the complaint is dismissed. A separate Order accompanies this Memorandum Opinion.

Date: March 31st, 2008


United States District Judge

¹ "If the court determines at any time that it lacks subject-matter jurisdiction, the court must dismiss the action." Fed. R. Civ. P. 12(h)(3).

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